

REMARKS

The Office examined claims 1-16, and rejected claims 1-2 and 4-16, and objected to claim 3. With this response, no claims are amended, added, or cancelled. Applicant respectfully requests reconsideration of the rejections in light of the following remarks.

The independent claims are claims 1, 7, 8 and 11-15.

Claim Rejections Under § 103

At section 3, on page 2 of the Office Action claims 1-2, 4-5, 7-12, and 14-16 are rejected under 35 U.S.C. § 103(a) as anticipated by Chuah (U.S. Appl. Publ. No. 2003/0214928) in view of Sim (U.S. Appl. Publ. No. 2003/0093167). Applicant respectfully submits that independent claim 1 is not disclosed or suggested by the cited references, alone or in combination, because the cited references fail to disclose or suggest all of the limitations recited in claim 1.

Claim 1 recites that if a failure occurs concerning a request from a terminal equipment to establish a connection to a mobile communication network, an indication of a cause of the failure is received by a mobile terminal and forwarded to the terminal equipment. On page 2 of the Office Action, the Office acknowledges that Chuah fails to disclose that in case a failure occurs concerning the requested connection and an indication of a cause of the failure is received from the mobile communication network, forwarding the indication to the terminal equipment, as recited in claim 1. The Office relies on Sim to teach this limitation. However, Sim also fails to disclose or suggest this limitation recited in claim 1, and therefore for at least this reason the cited references, alone or in combination, do not disclose or suggest all of the limitations recited in claim 1.

Sim is directed to a queue management system for managing at least one queue of people. See Sim paragraph [0001]. In Sim, a queue refers to a line or waiting area in which people wait to get on a ride, for example, at an amusement park. The object of Sim is to provide a queue management system which allows people to join a “virtual” queue, and thereby freeing the person from having to wait near the queue. See Sim paragraph [0005]. However, Sim does not disclose or suggest providing an indication of a cause of failure for a connection to a mobile communication network, and Sim also does not disclose or suggest forwarding this indication to terminal equipment, as recited in claim 1. Instead, Sim only discloses that an access denied signal can be transmitted to an access control mechanism associated with a portable module. See

Sim paragraph [0033]. The access denied signal is transmitted if an identification code is determined to be outside a predetermined range of the front of the queue sequence, i.e. if it is not the appropriate time or there is not sufficient space in line for the user or users of the portable module to join the line. However, this is completely distinct from providing a cause of failure for a connection to a mobile communication network, as recited in claim 1. The users of the portable module in Sim are attempting to access a line, and Sim does not disclose or suggest anything about receiving an indication of an error relating to accessing a mobile communication network. Therefore, the explanatory message transmitted to the portable module has nothing to do with a cause of failure for a connection to a mobile communication network as recited in claim 1, but instead only indicates that access is denied because the user has arrived either before or after the designated time, is at the wrong ride, or the user is at the wrong ride at the wrong time. See Sim paragraph [0094]. In addition, claim 1 recites that the indication of the cause of the failure is forwarded to terminal equipment. The explanatory message is only sent to the portable module, and the portable module does not forward the explanatory message to any other devices, since the user of the portable module can see the explanatory message directly on the portable module. Therefore, for at least these reasons the cited references, alone or in combination, do not disclose or suggest all of the limitations recited in claim 1.

Furthermore, Sim cannot be used as a reference in an obviousness rejection of claim 1, because Sim is not “analogous” prior art. In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned. MPEP § 2141.01(a); *In re Oetiker*, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992).

Sim is not in the field of the applicant's endeavor because the current application is addressed to facilitating the establishment and maintenance of a connection between terminal equipment and a mobile communication network via a mobile terminal. See specification page 3, lines 6-8. In contrast, Sim is concerned with a queue management system for managing at least one queue of people. See Sim paragraph [0001]. The structure and function of the present invention (e.g. establishment and maintenance of a communication connection) are entirely different from that of Sim (e.g. management of lines of people). *See State Contracting & Eng'g Corp. v. Condotte America Inc.*, 68 USPQ2d 1481, 1489 (Fed. Cir. 2003) (similarity in the structure and function of the invention and the prior art is indicative that the prior art is within

the inventor's field of endeavor). Furthermore, Sim is not related to mobile communication networks, but instead only provides for short range radio communications. See Sim paragraphs [0006] & [0018]. One of skill in the art would understand that the "radio paging messages" mentioned in Sim are not the same as the communications employed in a mobile communication network. See Sim paragraph [0009]. Therefore, for at least this reason Sim is not in the field of applicant's endeavor. *See MPEP § 2141.01(a).*

Furthermore, Sim is not reasonably pertinent to the particular problem with which the applicant of the current application is concerned. A reference is considered reasonably pertinent if it is one that would have logically commended itself to an inventor's attention in considering his problem. *In re Clay*, 23 USPQ2d 1058, 1061 (Fed. Cir. 1992). The problem to which the present invention as recited in claim 1 is addressed is providing a mechanism for informing terminal equipment trying to access a mobile communication network via a mobile terminal why a requested connection is not established or why an established connection was released. See specification page 2, lines 27-31. Sim is not reasonably pertinent to this problem because it is addressed to improving management of lines at amusement parks for example. Therefore, Sim does not have the same purpose as the invention recited in claim 1, thus is not addressed to the same problem, and one of ordinary skill in the art would not have been motivated to consider Sim. *In re Clay*, 23 USPQ2d at 1061. For at least the reasons discussed above, Sim is not analogous art, and thus cannot be used as a reference. Since the Office admits that Chuah fails to disclose or suggest all the limitations of claim 1, claim 1 is patentable over the cited references.

Furthermore, the cited references, alone or in combination, also fail to disclose or suggest a method for supporting data exchange between terminal equipment and a mobile communication network via a mobile terminal, wherein the terminal equipment and the mobile terminal are separate entities, as recited in claim 1. Chuah relates to a method for paging a device in a wireless network. Chuah discusses providing a wireless packet-switched data network for end users that avoids the public switched telephone network and provides end users of the wireless network with remote roaming capability. See Chuah paragraph [0071]. Claim 1 recites a method for supporting a data exchange between terminal equipment and a mobile communication network via a mobile terminal, said terminal equipment and said mobile terminal being separate entities. However, Chuah does not disclose or suggest supporting data exchange between terminal equipment and a mobile communication network via a mobile terminal.

While Chuah does mention that end systems 232 (for example a portable PC) connect to a wireless network 230 via external or internal modems, these modems are not both separate from the terminal equipment and mobile. Chuah discusses that these external and internal modems allow end systems 232 to send and receive over an air link. However, the external modems are generally fixed, i.e. not mobile, since external modems are co-located with roof-top mounted directional antenna, and the internal modems are integral with the end systems, and therefore not separate. See Chuah paragraph [0074]. As such, Chuah fails to disclose or suggest a method for supporting a data exchange between terminal equipment and a mobile communication network via a mobile terminal, said terminal equipment and said mobile terminal being separate entities. For at least this reason, Chuah does not anticipate or suggest claim 1, because all of limitations recited in claim 1 are not disclosed or suggested.

Claim 2 depends from independent claim 1, and is not disclosed or suggested by Chuah at least in view of its dependency.

Independent claims 7-8, 11-12, and 14-15 contain limitations similar to those recited in claim 1. Therefore, for at least the reasons discussed above in relation to claim 1, claims 7-8, 11-12 and 14-15 are not disclosed or suggested by the cited references.

Claims 4, 5, 9, 10 and 16 ultimately depend from an independent claim, and are patentable over the cited references at least in view of their dependencies.

At section 4, on page 4 of the Office Action claims 6 and 13 are rejected under 35 U.S.C. § 103(a) as unpatentable over Chuah in view of Chou (U.S. Patent No. 5,850,526). Claim 6 ultimately depends from independent claim 1, and is patentable over the cited references at least in view of its dependency.

Independent claim 13 contains limitations similar to those recited in independent claim 1, therefore for at least the reasons discussed above in relation to claim 1, claim 13 is not disclosed or suggested by the cited references. Furthermore, Chuah in view of Chou, alone or in combination, fail to disclose or suggest all of the limitations recited in claim 13.

Allowable Subject Matter

In section 5, on page 4 of the Office Action claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant believes that claim 3 is patentable over the cited references due to its dependency from independent claim 1, and therefore does not wish to place claim 3 in independent form..

Conclusion

The rejections of the Office Action having been shown to be inapplicable, withdrawal thereof is requested, and passage to issue of the present application is earnestly solicited. The undersigned hereby authorizes the Commissioner to charge deposit account 23-0442 for any fee deficiency required to submit this response.

Respectfully submitted,



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